

REMARKS

This Reply and Amendment is intended to be completely responsive to this non-final Office Action. Claims 1-56 are pending in this Application. Claims 1-56 stand rejected. Claims 11, 14, 18 and 44 are objected to. Claims 1, 7, 8, 12-15, 18, 34 and 51 have been amended. Claims 5 and 38 have been cancelled. New Claims 57 and 58 have been added.

Information Disclosure Statement

In Section 1 of the Office Action, the Examiner stated:

The information disclosure statement filed 10/15/2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, copies of references A26, B27, B29, B30, C31, C32 and C33 are not present. It has been placed in the application file, but the information referred to therein has not been considered.

Applicants have enclosed a copy of the references previously designated as A26, B27, B29, B30, C31, C32 and C33 in a Supplemental Information Disclosure Statement.

Specification Objections

In Section 1 of the Office Action, the Examiner stated:

The disclosure is objected to because of the following informalities: incorrect section headings and sequence of the content. Appropriate correction is required. The applicant is reminded of the proper content and sequence of the specification: [as provided in M.P.E.P. § 608.01(a)].

Applicants respectfully direct the Examiner's attention to 37 C.F.R. § 1.77 (b) which provides that:

The specification should include the following sections in order:

- (1) Title of the invention . . .
- (2) Cross-reference to related applications . . .
- (3) Statement regarding federally sponsored research . . .
- (4) Reference to a "Sequence Listing" . . .
- (5) Background of the invention.
- (6) Brief Summary of the invention.
- (7) Brief description of the several views of the drawing.
- (8) Detailed description of the invention.
- (9) A Claim or claims.
- (10) Abstract of the disclosure.

Applicant's specification contains the items specified in 37 C.F.R. § 1.77(b)(1), (2), (5)-(10) in the recommended sequence. The Field Of The Invention is not specifically stated in 37 C.F.R. § 1.77 and has been provided by Applicants after the Title. The remaining subsections are not applicable and have therefore not been included. Applicants respectfully direct the Examiner's attention to M.P.E.P. § 608.01(a) which states "[t]he following guidelines illustrate the preferred layout and content for patent applications ... suggested for the applicant's use" (emphasis added) and "[t]his paragraph is intended primarily for use in pro se applications". Accordingly, Applicants respectfully request withdrawal of this objection.

Drawing Objections

In Section 2 of the Office Action, the Examiner stated:

The drawings are objected to as failing to comply with 37 CFR § 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference numeral "52" on page 6, line 3, referring to passages for routing of cables does not appear anywhere in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Applicants have provided a proposed revision to FIGURE 6 that includes reference numeral 52. Accordingly, Applicants request withdrawal of this objection.

Claim Objections

A. In Section 3 of the Office Action, the Examiner stated:

Claim 11 is objected to under 37 CFR § 1.75(c), as being a duplicate of claim 1 and for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Dependent claim 11 recites the limitation of: "at least one display device coupled to the display support." Independent claim 1 recites this limitation in line 1.

Claim 1 is directed to a "movable support system for at least one display device" (emphasis added); Claim 1 does not positively recite a "display device". Claim 11, which depends from Claim 1, positively recites "at least one display device" (emphasis added). The scope of Claims 1 and 11 are different. See 35 U.S.C. § 112 ¶ 4. Accordingly, Applicants request withdrawal of this objection.

B. In Section 4 of the Office Action, the Examiner stated:

Claim 14 is objected to because of the following informalities: word omission. Place the word "the" before "track" and after "mounted to." Appropriate correction is required.

Applicants have amended Claim 14 to place the word "the" before "track" and after "mounted to". Accordingly, Applicants request withdrawal of this objection.

C. In Section 5 of the Office Action, the Examiner stated:

Claim 18 is objected to because of the following informalities: a period punctuation mark is present in line 6. Appropriate correction is required.

Applicants have amended Claim 18 to remove the period punctuation mark that was present in line 6 and replace it with a semi-colon punctuation mark. Accordingly, Applicants request withdrawal of this objection.

D. In Section 6 of the Office Action, the Examiner stated:

Claim 44 is objected to under 37 CFR § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Dependent claim 44 recites the limitation of: "at least one display device coupled to the display support." Independent claim 34 recites this limitation in line 1.

Claim 34 is directed to a "movable support system for at least one display device" (emphasis added); Claim 34 does not positively recite a "display device". Claim 44, which depends from Claim 34, positively recites a "display device". The scope of Claims 34 and 44 are different. See 35 U.S.C. § 112 ¶ 4. Accordingly, Applicants request withdrawal of this objection.

Claim Rejections – 35 U.S.C. § 112

A. In Section 8 of the Office Action, the Examiner stated:

Claims 1-56 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 1, 18, 34, 51 and 52 recite the phrases "may" or "may be" thus rendering the claims and their dependent claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 1-56 are not indefinite. The recitation of the phrase "may be" as recited in Claims 1, 18, 34 and 51 does not render the claims (or their dependent claims) indefinite. The recitation of "may be" brings clarity to Claims 1, 18, 34 and 51 because it further defines the manner in which the "display device" may be "selectively positioned" (Claims 1, 34 and 51) or "positioned" (Claim 18).

The recitation of the phrase "may" in Claim 52 does not render the claim indefinite. The recitation of "may" brings clarity to Claim 52 because it further defines the relation of the "position" or "orientation" as recited to the "display device".

Accordingly, Applicants request withdrawal of this rejection.

B. In Section 9 of the Office Action, the Examiner stated:

Claims 7, 8, and 12-14, recite the limitation "support" in each of their first lines. There is insufficient antecedent basis for this limitation in the claim.

Applicants have amended Claims 7, 8 and 12-15 to recite the limitation as "display support" in each of their first lines.

Accordingly, Applicants request withdrawal of this rejection.

Claim Rejections – 35 U.S.C. § 102

In Section 11 and 12 of the Office Action the Examiner rejected Claims 1-4, 6-7, 11-14 and 34-37, 39-40 44-47 and 50 as being anticipated by U.S. Patent No. 4,637,666 titled "Office Furniture Desk Top With Adjustable CRT Carriage and Tracking Arrangement Therefor" issued to Worrell et al. ("Worrell et al.") under 35 U.S.C. § 102(b).

Worrell et al. describes a "desk" having a "generally flat desk top" with a "relatively narrow trackway" having "its upper surface in substantially coplanar relation with the desk top work surfacing" (see Col. 2, lines 12-25).

Independent Claims 1 and 34 have been amended. Claims 2-4 and 6-17 depend from independent Claim 1 as amended. Claims and 35-37, 39-50 depend from independent Claim 34, as amended. Claims 1 and 34 now recite a "movable support system" comprising in combination with, among other elements, a "work surface mounted over the track" (as had originally been recited in dependent Claims 5 and 38).¹ A "movable support system" as recited in Claims 1 and 34, as amended, is not identically disclosed by Worrell et al..

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) and allowance of Claims 1-4, 6-17 and 34-37, 39-50.

¹ Claims 5 and 38 were not subject to a rejection under 35 U.S.C. § 102(b).

Claim Rejections – 35 U.S.C. § 103

A. Claims 1-17 and 34-50²

In Section 14 of the Office Action the Examiner rejected Claims 5 and 15 as being obvious over Worrell et al. as applied to Claims 1-4, 6, 7 and 11-14 in view of U.S. Patent No. 5,281,341 titled "Dynamic Workspace Module" issued to Baloga et al. ("Balogha et al.") under 35 U.S.C. § 103(a).

In Section 20 of the Office Action the Examiner rejected Claims 38 and 48 as being obvious over Worrell et al. as applied to Claims 34-37, 39, 40, 44-47 and 50, and further in view of Balogha et al. under 35 U.S.C. § 103(a).

Independent Claims 1 and 34 have been amended. Claims 2-4 and 6-17 depend from Claim 1, as amended. Claims 35-37 and 39-50 depend Claim 34, as amended. Claims 1 and 34 now recite a "movable support system" comprising in combination with, among other elements, a "work surface mounted over the track" (as had been originally presented in dependent Claims 5 and 38). The "movable support system" recited in Claims 1 and 34, as amended, (and original Claims 5 and 38) is not disclosed, taught or suggested by Worrell et al., alone or in any proper combination with Balogha et al.³

² In Section 15 of the Office Action the Examiner rejected Claims 8 and 17 as being obvious over Worrell et al. as applied to Claims 1-4, 6, 7 and 11-14 in view of U.S. Patent No. 6,275,375 titled "Monitor Stand With Hub Mount" issued to Nam ("Nam") under 35 U.S.C. § 103(a). In Section 16 of the Office Action the Examiner rejected Claims 9, 10 and 16 as being obvious over Worrell et al. as applied to Claims 1-4, 6, 7 and 11-14 in view of U.S. Patent No. 5,904,328 titled "Articulating Computer Monitor" issued to Leveridge et al. ("Leveridge et al.") under 35 U.S.C. § 103(a). In Section 21 of the Office Action the Examiner rejected Claim 41 as being obvious over Worrell et al. as applied to Claims 34-37, 39, 40, 44-47 and 50, and further in view of Nam under 35 U.S.C. § 103(a). In Section 22 of the Office Action the Examiner rejected Claims 42, 43 and 49 as being obvious over Worrell et al. as applied to Claims 34-37, 39, 40, 44-47 and 50, and further in view of Leveridge et al. under 35 U.S.C. § 103(a).

In view of the amendment of Claims 1 and 34, none of these rejections is pertinent.

³ Balogha et al. discloses a "dynamic workspace module" having a "freestanding framework 3, which supports a three-sided partition assembly 4 arranged to form an interior workspace 5 and a portal opening 6 for user ingress and egress" (col. 7, lines 27-30) and a "vertical support 107" that "supports two horizontal worksurfaces 108 and 109 in a vertically stacked relationship" where "upper worksurface 109 is in the shape of a general purpose shelf" (col. 15, lines 1-13).

The suggestion to make the combination of Worrell et al. and Baloga et al. has been taken from the Applicants' own specification which is improper. Furthermore, to transform the "desk" of Worrell et al., alone or in any proper combination with Baloga et al., into a "movable support system" comprising in combination with other recited elements a "work surface mounted over the track" as recited in Claims 1 and 34, as amended, would require still further modification, and such modification is taught only by Applicants' own disclosure.

The subject matter recited in Claims 1 and 34, as amended, considered as a whole, would not have been obvious based on Worrell et al. in view of Baloga et al. under 35 U.S.C. § 103(a). Claims 1 and 34 are patentable under 35 U.S.C. § 103(a). Claims 2-4 and 6-17 depend from Claim 1, as amended; Claims 35-37 and 39-50 depend from Claim 34, as amended.

Applicants respectfully allowance of Claims 1-4, 6-17, 34-37 and 39-50.

B. Claims 18 and 51⁴

Independent Claim 18 has been amended. Claims 19-33 depend from independent Claim 18 as amended. Claim 18 as amended is directed to an "apparatus" comprising in combination with, among other elements, "display panels [that] may be positioned for use in a variety of locations relative to the track by movement about at least one of a first joint, a second joint and a third joint".

Independent Claim 51 has been amended. Claims 52-56 depend from independent Claim 51 as amended. Claim 51 as amended is directed to a "movable

⁴ In Section 17 of the Office Action the Examiner rejected Claims 18-21, 23-24, 27-31 and 33 as being obvious over Worrell et al. in view of Leveridge et al. under 35 U.S.C. § 103(a). In Section 18 of the Office Action the Examiner rejected Claims 22 and 32 as being obvious over Worrell et al. and Leveridge et al. as applied to Claims 18-21, 23-24, 27-31 and 33, and further in view of Baloga et al. under 35 U.S.C. § 103(a). In Section 19 of the Office Action the Examiner rejected Claims 25 and 26 as being obvious over Worrell et al. and Leveridge et al. as applied to Claims 18-21, 23-24, 27-31 and 33 , and further in view of Nam under 35 U.S.C. § 103(a). In Section 23 of the Office Action the Examiner rejected Claims 51-56 as being obvious over Worrell et al. in view of Baloga et al. under 35 U.S.C. § 103(a).

In view of the amendment of Claims 18 and 51, none of these rejections are pertinent.

support system" comprising in combination with, among other elements, a "display device installed on the display support assembly [that] may be selectively positioned for use in a variety of locations relative to the track system by movement about at least one of a first joint, a second joint and a third joint".

An "apparatus" (Claim 18) or a "movable support system" (Claim 51) comprising in combination with, among other elements, "movement about at least one of a first joint, a second joint and a third joint", as recited in Claims 18 and 51, as amended, is not disclosed, taught or suggested by the cited references alone or in any proper combination.

The subject matter recited in Claims 18 and 51 as amended, considered as a whole, would not have been obvious under 35 U.S.C. § 103(a). Claims 19-33 and Claims 52-56 depend from independent Claims 18 and 51, as amended, respectively. Claims 18-33 and Claims 51-56 are patentable over the cited references.

Applicants respectfully request allowance of Claims 18-33 and 51-56.

New Claims

New dependent Claims 57 and 58 have been added to provide claims of varying scope and are believed to recite patentable subject matter in view of the cited references. Applicants respectfully request allowance of Claims 57 and 58.

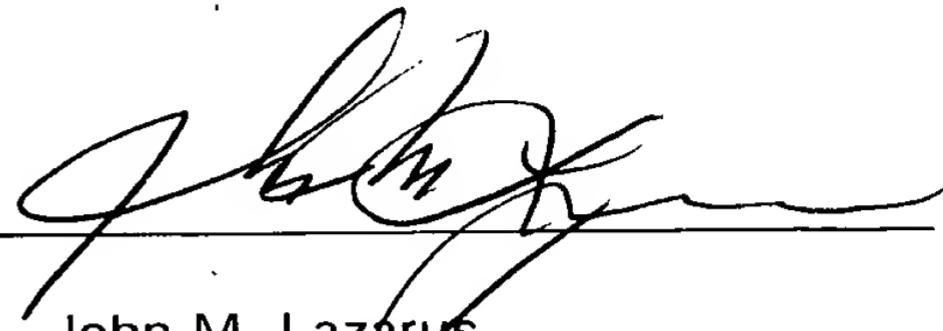
* * *

Applicants respectfully submitted that each and every outstanding objection and rejection to the pending claims, specification and drawings has been overcome, and the Application is in condition for allowance. Applicants respectfully request reconsideration and allowance of Claims 1-4, 6-37, and 39-58.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

By



John M. Lazarus
Attorney for Applicant(s)
Registration No. 48,367

Date November 27, 2002

FOLEY & LARDNER
Customer Number: 26371



26371

PATENT TRADEMARK OFFICE

Telephone: (414) 297-5591
Facsimile: (414) 297-4900

Marked Up Version of Specification

[0019] Referring to FIGURE 2, movable display support system 14 is shown. Support system 14 includes a base 36 mounted to a track system 38 for translating movement (e.g. linear or curved or other) along a path of travel. Track system 38 is installed upon a mounting structure shown as a panel 40 (shown in FIGURE 3). A passage in panel 40 shown as groove 41 can be used for routing various cables to base 36. Support system 14 also includes a display support assembly 42 movably coupled to the base 36. Support assembly 42 includes flanges 44 configured for attachment of a fixture or structure shown as an articulable arm 46 used to support an information display device shown as a display panel 34 (or any other structure such as a base or fixture of any conventional type providing one or more points or "joints" (designated by reference numerals 43a, 43b, 43c and 43d) for movement of a mounted display device). According to an exemplary embodiment, support assembly 42 is pivotably coupled to base 36 and each articulable arm 46 is movably coupled to flange 44 to allow suitably positioning and/or orientation of display panel 34 in any of a variety of directions (e.g., up, down, laterally, pivotably) at each point or joint allowing articulation (e.g. translation, extension, retraction, rotation, etc.). As shown in FIGURES 3A and 3B, the selective movement of base 36 with respect to the mounting structure shown as panel 40 (e.g. along track system 38) and/or of support assembly 42 with respect to base 36 provides for the positioning and orientation of one or more of display panels 34 within a substantial range of motion in work space 10; selective movement of display panel 34 with respect to support assembly 42 provides for additional range of motion within work space 10.

Marked Up Version of the Amended Claims

1 1. (Amended) A movable support system for at least one display
2 device comprising:
3 a track system providing a track;
4 a base movably mounted at a first section to the track system;
5 a display support assembly adapted for coupling of the display
6 device and pivotally mounted at a second section of the base and;
7 a work surface mounted over the track;
8 wherein a display device installed on the display support assembly
9 may be selectively positioned for use in a variety of locations relative to the
10 track system.

1 7. (Amended) The system of Claim 1 wherein the display support is
2 configured to provide at least one passage for management of one or more
3 cables coupled to the display device.

1 8. (Amended) The system of Claim 1 wherein the display support
2 includes a hub providing for management of one or more cables coupled to the
3 display device.

1 12. (Amended) The system of Claim 1 wherein the display support is
2 cantilevered from the track.

1 13. (Amended) The system of Claim 1 wherein the display support is
2 perpendicular to the track.

1 14. (Amended) The system of Claim 1 wherein the display support is
2 non-pivotably mounted to the track.

1 15. (Amended) The system of Claim 1 configured for use in a work
2 space providing at least one mobile table and wherein the display support is at a
3 height above the mobile table.

1 18. (Amended) An apparatus providing a movable support for a
2 display device comprising:
3 a track system providing at least one track;
4 a support movably coupled at a first section to the track system;
5 a display support movably coupled to a second section of the
6 support and configured for coupling of at least two display panels[.];
7 wherein each of the display panels may be positioned for use in a
8 variety of locations relative to the track by movement about at least one of a
9 first joint, a second joint and a third joint.

1 34. (Amended) A movable support system for at least one display
2 device configured to be coupled to utilities such as power or data through
3 cables, comprising:
4 a track;
5 a support movably mounted at a first section to the track;
6 a display support adapted for coupling of a display device and
7 pivotally mounted at a second section of the support; and
8 a work surface mounted over the track;
9 wherein a display device installed on the display support may be
10 selectively positioned for use in a variety of locations relative to the track; and
11 wherein the support is configured to provide at least one passage
12 for management of cables configured to be coupled to the display device.

1 51. (Amended) A movable support system for use by at least one
2 person in a work space having an entrance, comprising
3 a track system;
4 a base movably mounted at a first section to the track system;
5 a display support assembly adapted for coupling of at least one
6 display device and pivotally mounted at a second section of the base;
7 wherein a display device installed on the display support assembly
8 may be selectively positioned for use in a variety of locations relative to the
9 track system by movement about at least one of a first joint, a second joint and
10 a third joint;
11 so that each person within the work space may selectively choose a
12 body orientation or a body position relative to the entrance or otherwise within the
13 workspace while using the display device.